

**REMARKS**

Claims 1-11, 24-29, 33-38, and 40-45 are pending in the present application.

Claims 12-23, 30-32, 39, and 46-60 have been cancelled without prejudice or disclaimer to the subject matter contained therein. The Applicants reserve the right to file divisional applications directed to this cancelled subject matter.

Claims 1-11, 24, 25, 33-38, and 40-45 have been withdrawn from consideration as being drawn to a non-elected species. The Applicants respectfully submit that Claims 1-11, 24, 25, 33-38, and 40-45 should be entitled to consideration because, for the reasons set forth below, generic claim 26 is allowable over the prior art of record and each of these claims to the alleged additional species are written in dependent form and/or include all the limitations of allowable generic claim 26.

**I. ARGUMENTS**

**A. Rejection under 35 U.S.C. §102(e)**

Claims 26-28 have been rejected under 35 U.S.C. §102(e) as being anticipated by Silverbrook (US-A-6,383,833). This rejection under 35 U.S.C. §102(e) is respectfully traversed.

The presently claimed invention, as set forth in amended independent claim 26, is directed to a method for protecting a MEMS wafer during a dicing. The claimed method mounts, upon a backside of the MEMS wafer, a layer of dicing tape, the MEMS wafer having a plurality of MEMS structure sites on a front side and a plurality of through holes, each through hole corresponding to a MEMS structure site, the through holes being formed such that each through hole penetrates through the wafer from the backside of the wafer to the front side; mounts, upon the front side of the MEMS wafer, prior to dicing, a wafer cap to produce a laminated MEMS wafer, the wafer cap having a first side and a second side, the first side being opposite of the second side, the first side of the wafer cap being recessed in areas corresponding to locations of the MEMS structure sites on the MEMS wafer, the second side of the wafer being substantially planar; dices the MEMS wafer into a plurality of dies such that each die includes a

MEMS structure site and a corresponding through hole; and mounts, upon the dicing tape, a layer of transfer tape.

The Examiner, in formulating the present rejection under 35 U.S.C. §102(e), alleges that Silverbrook anticipates the presently claimed invention. More specifically, the Examiner alleges that Silverbrook teaches: mounting, upon a backside of the MEMS wafer, a layer of dicing tape (allegedly 38 of Figure 5 of Silverbrook), mounting, upon the front side of the MEMS wafer, prior to dicing, a wafer cap to produce a laminated MEMS wafer, dicing the MEMS wafer into a plurality of dies, and mounting, upon the dicing tape, a layer of transfer tape (allegedly 40 of Figures 7 & 8 of Silverbrook). The Applicants respectfully traverse these allegations and the conclusion by the Examiner.

As set forth above, independent claim 26 sets forth that, upon the dicing tape, a transfer tape is mounted. On the other hand, contrary to the Examiner's allegations, Silverbrook teaches, at column 3, lines 12-15, that a wafer 40 is mounted to the tape layer 38. More specifically, Silverbrook teaches that layer 40 is formed of glass, quartz, or alumina. One skilled in the art does **NOT** form a tape from such materials.

It is noted that Silverbrook incorrectly mentions, at column 3, line 35, that layer 40 is a tape. One skilled in the art would clearly recognize this typographical error in view of the contents of column 3, lines 30-39, wherein Silverbrook is teaching the curing of the adhesive using UV radiation because in column 3, lines 6-11, Silverbrook teaches that the adhesive of tape 38 loses its adhesive properties or tackiness upon exposure to UV radiation. Silverbrook fails to provide any teachings that layer 40 has adhesive properties or that upon exposure to UV radiation such properties would be lost.

Therefore, contrary to the Examiner's conclusion, Silverbrook fails to teach or suggest mounting, upon the dicing tape, a transfer tape is mounted, as set forth in independent claim 26.

With respect to dependent claims 27 and 28, the Applicants, for the sake of brevity, will not address the reasons supporting patentability for this individual dependent claim, as these claims depend directly from the allowable independent claim 26 for the reasons set forth above. The Applicants reserve the right to address the patentability of these dependent claims at a later time, should it be necessary.

Accordingly, in view of the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejection under 35 U.S.C. §102(e).

**B. Rejection under 35 U.S.C. §103**

Claims 29 has been rejected under 35 U.S.C. §103 as being unpatentable over Silverbrook (US-A-6,383,833) in view of Ohkawa et al. (US-A-5,360,873). This rejection under 35 U.S.C. §103 is respectfully traversed.

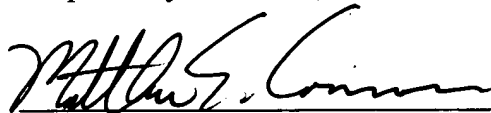
With respect to dependent claim 29, the Applicants, for the sake of brevity, will not address the reasons supporting patentability for this individual dependent claim, as this claim depends directly from the allowable independent claim 26 for the reasons set forth above. The Applicants reserve the right to address the patentability of this dependent claim at a later time, should it be necessary.

Accordingly, in view of the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejection under 35 U.S.C. §103.

**II. CONCLUSION**

Accordingly, in view of the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejections. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,



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